

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CIVIL ACTION NO.: 07-437

SHARON B. IGLESIAS,

Plaintiff,

v.

JOHN WOLFORD, Chief of Police of Oxford,
N.C., in his official and individual capacities;
THOMAS MARROW, City Manager of
Oxford, N.C., in his official and individual
capacities; DON JENKINS, Human Resources
Manager for the City of Oxford, N.C., in his
official and individual capacities, and, the
CITY OF OXFORD, N.C.,

Defendants.

**NOTICE OF REMOVAL TO
FEDERAL COURT**

**TO: PLAINTIFF SHARON B. IGLESIAS,
BY AND THROUGH HER ATTORNEYS OF RECORD,
SHELLI HENDERSON RICE
CHARLES E. MONTEITH, JR.
MONTEITH & RICE, PLLC
102 PICKERING PLACE, #3-3
CARY, NC 27513**

Defendants John Wolford, in his official and individual capacities, Thomas Marrow, in his official and individual capacities, Don Jenkins, in his official and individual capacities, and the City of Oxford (hereinafter "Defendants") by and through counsel, respectfully remove the above-entitled action from the Superior Court of Granville County, North Carolina, to the United States District Court for the Eastern District of North Carolina, Western Division, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. In support of this Notice of Removal, Defendants state as follows:

1. On or about August 10, 2007, the Plaintiff filed a civil action against Defendants in the Superior Court of Granville County, North Carolina, styled *Sharon B. Iglesias v. John Wolford, Chief of Police of Oxford, N.C., in his official and individual capacities; Thomas Marrow, City Manager of Oxford, N.C., in his official and individual capacities; Don Jenkins, Human Resources Manager for the City of Oxford, N.C., in his official and individual capacities, and, the City Of Oxford, N.C.*, Court file number 07 CVS 846. The original Complaint stated no federal cause of action and Plaintiff's counsel affirmed that they had no intent at that time to assert any federal claims. See Defendants' September 7, 2007 letter to Plaintiff's counsel, attached hereto as Exhibit 1.
2. On or about November 5, 2007, Plaintiff, through counsel, forwarded to undersigned counsel a copy of a proposed Amended Complaint, which included for the first time a federal claim, namely count number four asserting a claim under 42 U.S.C. § 1983. See Plaintiff's November 5, 2007 E-Mail correspondence to Defendants, attached hereto as Exhibit 2.
3. Undersigned counsel has consented to allow Plaintiff to amend her Complaint and Plaintiff's counsel has forwarded the Amended Complaint to the Granville County Superior Court for filing on November 7, 2007.
4. This Notice is being filed within thirty (30) days of the earliest date of service of the Amended Complaint and/or notice of Plaintiff's intent to assert federal claims; accordingly, this Notice is timely filed pursuant to 28 U.S.C. § 1446(b).
5. The named Defendants will be represented by the undersigned counsel and all of the Defendants consent to removal.
6. This action is being removed to Federal Court based on federal question jurisdiction in that the Amended Complaint states a claim that purportedly arises under the laws of the United

States, namely 42 U.S.C. § 1983, and for the reason that the Plaintiff alleges that the Defendants violated her rights under said statute.

7. Defendants contend that all of the claims asserted in the Amended Complaint may be removed by the Defendants pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1441.

8. The United States Court for the Eastern District of North Carolina, Western Division embraces the District and Division in which the state court action is now pending. Therefore, the undersigned Defendants hereby file their Notice of Removal of this action from the Granville County Superior Court in which it is now pending to the United States District Court for the Eastern District of North Carolina, Western Division.

9. Pursuant to the provisions of 28 U.S.C. § 1446, a copy of the State Court file is attached hereto as Exhibit 3, and is incorporated herein by reference.

10. Written notice of the filing of this Notice will be served upon the adverse party in this action as required by 28 U.S.C. § 1446(d).

11. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be filed in the Office of the Clerk of Superior Court of Granville County, North Carolina, promptly after filing with this Court, as shown by the Notice attached hereto as Exhibit 4.

WHEREFORE, the undersigned Defendants pray that this action be removed from the Superior Court of Granville County, North Carolina, to the United States District Court for the Eastern District of North Carolina, Western Division, and that this Court assume full jurisdiction over this action.

This the 8th day of November, 2007.

CRANFILL SUMNER & HARTZOG LLP

/s/ M. Robin Davis

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Attorneys for Defendants

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Manager for the City of Oxford, N.C., in his)
official and individual capacities, and, the)
CITY OF OXFORD, N.C.,)
)
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2007, I electronically filed the foregoing *Notice of Removal to Federal Court* with the Clerk of Court using the CM/ECF system, and served the attached documents on all of the parties to this cause by depositing copies hereof, postage prepaid, in the United States Mail, addressed as follows:

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102 Pickering Place, #3-3
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Attorney for Plaintiff

Shelli Henderson Rice
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Attorney for Plaintiff

Respectfully submitted,

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